

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:05CR357
)	
v.)	
)	
KEVIN SPELLMAN,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on defendant's motion to modify sentence (Filing No. 55), and the stipulation of the parties (Filing No. 58). The retroactive amendment to the cocaine base guideline changes the total (final) offense level from 29 to 27. The government and defense agree that the new sentence should be forty-one (41) months imprisonment, based on the prior computation of specific offense characteristics, adjustments, and any departures. Considering the time served and credit for good time,

IT IS ORDERED that said motion is granted and the stipulation of the parties is approved and adopted; the sentence of the defendant is reduced to time served, and the defendant is entitled to be released. Execution of this order shall be stayed for ten (10) days from the date of this order. The conditions of

supervised release entered in the original judgment and committal order remain in full force and effect.

DATED this 3rd day of March, 2008.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court